IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 4457 of 2001

Between:

A.Srinivas, S/o Laxmaiah
R/o H.NO.1-81, Narsapur,
Medak District.

..... PETITIONER

AND

1 The Superintendent of Police,
Medak District Sangareddy.
2 The Station House Officer,
Police Station Narsapur, Medak District.
3 The District Medical & Health Officer,
Medak at Sangareddy.

(Cause title of R.2 amended as per court order in W.P.M.P.No.1005101, dated 29.01.2002)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring that the petitioners is entitled to continue his practice as Medical Practitioner in Ayurvedic and Unani at Narsapur, Medak District by holding the action of the Res.Nos. 1 and 2 in interfering and preventing the petitioner from practicing a Medical practitioner without any due process of Law 19 (1) (g) of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.C.H.SIDDAIAH

Counsel for the Respondents: GP FOR HOME & MEDICAL AND HEALTH

The Court made the following :

ORDER:

-

The petitioner claims to have obtained a certificate from the Indian Multipurpose Medical Welfare Society, certifying that he is a *bona fide* Member of Allopathic Medical Sciences. On the basis of this, he has setup practice in Narsapur, Medak District. He filed the instant writ petition alleging that respondent Nos.1 and 2 are frequently approaching him and harassing him. Therefore, he filed the present writ petition seeking a writ of Mandamus declaring that the petitioner is entitled to continue his practice as Medical Practitioner in Ayurvedic and Unani at Narsapur, Medak District. He also seeks a consequential direction restraining respondent Nos.1 and 2 from interfering with the medical practice of the petitioner.

Indian Medicine Central Council Act, 1970 (for short 'the Act') is an enactment for the constitution of a Central Council of Indian Medicine and maintenance of Central Register of Indian Medicine and for matters connected therewith. Section 14 of the said Act empowers the Central Council constituted under Section 3 of the Act or other appropriate authority to recognize such medical qualifications granted by the University for the purpose of the Act. These courses and qualifications are found in the Second Schedule to the enactment. The certificate of practice granted by the Indian Multipurpose Medical Welfare Society, Guntur, is not one such medical qualification and therefore, the petitioner cannot be said to have any claim to enforce in the writ petition.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

24.06.2005

vs

To

1 The Superintendent of Police,
Medak District Sangareddy.

2 The Station House Officer,
Police Station Narsapur, Medak District.
3 The District Medical & Health Officer,
Medak at Sangareddy.

4 2 CCs to the G.P for Home, High Court of A.P., Hyderabad(O.U.T).

5 2 CD copies